

REMARKS

Rejection of Claims 1 – 7, 14 and 18 – 31 Under 35 U.S.C. §102(e)

In Paragraphs 5 and 6 of the Office Action, the Examiner rejects claims 1 – 7, 14 and 18 – 31 Under 35 U.S.C. §102(e), as being anticipated by U.S. Patent 6,097,995 to Tipton et al. Specifically, the Examiner states that Tipton '995 teaches:

- “an authoring module for identification of hazardous material, and determining its characteristics” (col. 41, lines 15 – 67), the authoring module further comprising:
- “an automated means for decompiling said hazardous material, and determining its components and their respective characteristics (col. 26, lines 10 – 38, Fig. 26);
- “an automated means for associating said hazardous material and said component characteristics with hazard information, using a user defined set of hazardous material rules” (col. 41, lines 15 – 67);
- “a means for recompiling said hazardous material and said components associated with hazard information about the hazardous material, its components, its decomposition products of said hazardous material, and substances related to said hazardous material” (col. 41, lines 15 – 67); and
- a means for disseminating hazard information about said hazardous material, its components, decomposition products of the material, and substances related to the hazardous material wherein said means for disseminating hazard information communicates with said authoring module.” (col. 41, lines 15 – 67).

Attorney respectfully submits that the claims, as amended, are patentable over the cited art for the reasons disclosed below.

Amended claims 1, 14 and 24 now require a selectively or selectively automatically decompiling the hazardous substance. What the Examiner alleges is debinding in Tilton '995 is simply entry of information related to a specific substance. In its discussion of preset mixes at col. 26, lines 10 – 38, Tilton '995 discusses entry of a preset mix that requires that the user identify all components of the mix, in addition to the percentages of each component in the mix. Fig. 26. As noted therein, this mix is then fixed and one can add additional containers of this specific preset mix, provided that each contains the very same components and percentages. Any variation in the preset mix requires a new addition into the Tilton '995 database. As noted at col. 41, line 44 – 50, Tilton '995 does have the capability to generate limited MSDS reports only as to the substance and its base ingredients.

The present invention claims selective decompiling of the hazardous material. Substances may be entered into the present invention database 500 interactively utilizing the Material Information and Composition screens. Pages 8, 24. It should be noted that the information entered for the hazardous material in the present invention is far more flexible than that cited in Tilton '995, as the composition information permits a minimum, maximum and typical concentration of the components therein. Thereafter, a record for a second container of the material may be created either interactively, or by copying the existing record, including ranges from the database. Page 24.

The decompiling process or deblending process in amended claim 1 is capable of assessing a substance, its components, and its decomposition products. As noted in the specification at page 13, the rules engine 155 and substance processor 120 may be user programmed to recognize decomposition of certain components in a mixture based on various conditions. The Tilton '995 does not disclose, teach or suggest that the database may be used to address decomposition products.

Moreover, Tilton '995 does not discuss a selective deblending process as called for in the present invention. As noted at page 10 of the specification, the present invention is capable of different deblending modes. The present invention is capable of determining the toxicity and/or hazard information related to the (a) material as blended, (b) intermediate mixtures or products, (c) components, and (d), as noted at page 13, decomposition products. The selective deblend may be selected for summary analysis, in which a summary deblend may be selected which is an analysis of the batch formulation of the particular material. Alternatively, a total deblend may be selected, which will permit a complete hazard and toxicity analysis of the material, its intermediate mixtures, components and decomposition products. Lastly, a purpose deblend may be selected, which will perform an analysis on a specific set of mixture components, intermediate products, or, as suggested in the specification, impurities or raw materials. Tilton '995 does not disclose, teach or suggest this selective decompiling process as set forth in amended claims 1, 14 and 24.

Tilton '995 fails to disclose, teach or suggest either (a) deblending that includes decomposition products, or (b) selective deblending, as set forth in amended claims 1, 14 and 24. As such, claims 1, 14 and 24 are patentable over Tilton '995. Since claims 2 – 7 and 23 include each and every limitation of amended claim 1, they are likewise patentable over the cited invention. Similarly, claims 18 – 22, which depend from claim 14, and 25 – 31, which depend from claim 24, include each and every limitation of the patentable independent claim. Accordingly, claims 1 – 7, 14, and 18 – 31 are patentable over the cited art.

Conclusion

Attorney has addressed each and every ground raised for rejection of the claimed invention. The claims, as amended, are in a state ready for allowance. In the event there remain any questions or issues associated with the filing of this response, the Examiner is invited to call the undersigned at the telephone number below to address same prior to the issuance of any formal action. Further, in the event the Examiner believes the response to be unpersuasive, Attorney would like the opportunity to interview with the Examiner prior to the issuance of any formal action on this case.

Respectfully submitted,

Janice Lynn Farmer et al.

By: 

Their Attorney, Eugene R. Montalvo
Registration No. 32,790
(713) 241-0296

P. O. Box 2463
Houston, Texas 77252-2463